



Legislation Text

File #: 23-2169, **Version:** 1

Sheriff's Office recommending the Board:

- 1) Receive and File the El Dorado County Sheriff's Office Annual Military Equipment Use Report for 2022;
- 2) Approve continued use of Ordinance 5160;
- 3) Authorize continued use of military equipment as shown in the attached Annual Equipment Report for 2022 and authorize the Sheriff's Office to amend the inventory as changes occur during FY 2023-24;
- 4) Authorize the Sheriff's Office to purchase and acquire military equipment in compliance with the Military Equipment policy as shown in the attached Annual Military Equipment use Report for 2022; and
- 5) Find that each type of military equipment identified in the Annual Military Equipment Report for 2022 has complied with the standards for approval set forth in Government Code Section 7071(d).

FUNDING: N/A

DISCUSSION / BACKGROUND

California Assembly Bill No. 481 (AB481) was authorized by Assembly Member David Chiu and approved by Governor Newsom on September 30, 2021. The purpose of AB481 was to address the funding, acquisition, and use of military equipment. AB481 added Chapter 12.8, Section 7070 through 7075 of the Government Code.

On May 24, 2022, the Board adopted an ordinance related to approval of a Military Equipment Policy in accordance with AB481 (Ordinance No. 5160).

The attached Annual Military Equipment Report lists items currently in possession by EDSO detailing the description, quantity, capability, purpose, authorized usage, fiscal impact, any legal/procedural rules, and training requirements

In addition, EDSO is requesting the annual authorization for the continued use of the military equipment outlined in the report and authorization for the future purchase or acquisition of military equipment for replacement or addition in compliance with the Military Equipment Policy. Additional items already approved in the Adopted Budget are listed in the section titled 'Future Equipment'. The requested equipment includes additional unmanned aircraft systems, less lethal munitions, rifles, and ammunition.

The military equipment in this inventory is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety. The term "military equipment," as used in AB481, in fact, does not necessarily indicate the equipment that has been used by the military. Pursuant to AB481, items deemed to be "military equipment" include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long-range acoustic devices, and flashbangs. EDSO is committed to using the most up-to-date tools and equipment to safeguard the

community in El Dorado County. These items provide peace officers with the ability to safely resolve volatile situations that otherwise might rise to the level of a lethal force encounter. To that end, the items in this inventory also provide Sheriff's Deputies with vital tools that facilitate compliance with its stringent use of force policy. Other items deemed to be "military equipment" via AB481 include foundational equipment such as rifles. These rifles allow peace officers to address lethal threats with greater precision and from a greater distance.

All prior military equipment use complied with the military equipment use policy that was in effect at the time. (See Government Code section 7071(d).)

Additionally, pursuant to Government Code section 7072, the Sheriff's Office will hold a community meeting within 30 days of December 12, 2023.

ALTERNATIVES

The Board could choose to not approve this item causing EDSO to no longer use previously approved military equipment, nor purchase new equipment.

PRIOR BOARD ACTION

05/24/2022, 22-0758

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel previously approved the related ordinance and policy.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no cost associated with the Annual Report provided. Any replacement or addition of equipment purchased as a result of the authorization provided by the Board will be funded through EDSO's Fiscal Year 2023-24 Recommended Budget.

CLERK OF THE BOARD FOLLOW UP ACTIONS

N/A

STRATEGIC PLAN COMPONENT

Public Safety

CONTACT

Undersheriff Bryan Golmitz